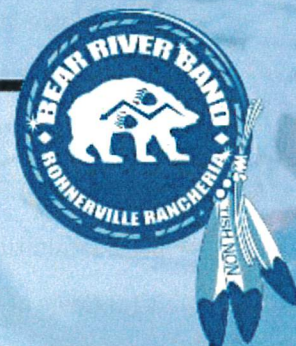


BEAR RIVER BAND OF THE ROHNERVILLE RANCHERIA



INTEGRATED SOLID WASTE MANAGEMENT PLAN 2018

**PREPARED BY THE ENVIRONMENTAL &
NATURAL RESOURCES DEPARTMENT**

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i. SUMMARY

This Integrated Solid Waste Management Plan covers all facilities on Bear River Band of the Rohnerville Rancheria: the neighborhoods of Bear River Drive and Tish Non Village, Bear River Casino and Hotel, Pump and Play, Basayo Village, Tish Non Community Center, Tobacco Traders and Coffee Company, and Bear River Recreation Center.

The plan includes a characterization of waste streams, an analysis of invoices, and recommended recycling, composting, and source reduction actions.

Analysis for Bear River Casino and Hotel is greatly lacking due to absence of adequate samples. Despite this, the data is still included as it is self-evident to recommended source reduction and improvement of recycling capacities.

1.0 DESCRIPTION OF THE COMMUNITY SERVICE AREA

Daily flow of people on Rancheria

- Hotel and Casino: Bear River Casino averages about 1800 customers per day, with about 350 employees. Bear River Hotel averages about 164 guests per day.
- Gas Station: The Pump & Play receives about 350 customers per day.
- Tobacco Traders and Coffee Company: Averages about 150 customers per day.

Tribal Lands and Community

- Bear River currently has 173 acres in Trust in rural coastal Northern California
- On the Rancheria is a casino, hotel, gas station, recreation center, community center, a few small office buildings, two residential areas, a waste water treatment plant/public works office, and two drinking water wells.
- There are currently over 600 tribal members enrolled. Around 150-200 people live in Tish Non Village/Bear River Drive.
- The unemployment rate of tribal members in 2017 was 52% percent.
- In the next few years, a health center and RV park will be built.

Residential

- There are 44 houses in Tish Non Village Apartment Complex, and 8 on Bear River Drive. Located 12 minutes away in nearby Fortuna, Basayo Village has 26 units, not all residents are tribal members.
- 16 apartment units are expected to be installed within the next couple years in Rancheria boundaries.

See Attachment 'A' on page 11 for map of current locations and future growth.

2.0 SOLID WASTE PROGRAM STRUCTURE AND ADMINISTRATION

2.1 Program Administration and Management

Bear River contracts out all solid waste pickup services. The Environmental and Natural Resources Department currently administers limited solid waste activities; the department accepts e-waste and household hazardous waste drop-offs from residents. Development of Solid Waste Management Plans is funded by the EPA GAP program funds within the Environmental and Natural Resources Department.

Residential, administrative, and tribal enterprises' garbage and recycling services are under contract with Recology Eel River. Recology invoices are handled by Bear River Band finance department—the finance department keeps track of the residential totals and deducts them from tribal member's per-cap payments. The casino and hotel finance department handle the casino, hotel, and gas station waste bills, while all other facilities' waste bills are administered by the Bear River Band finance department.

2.2 Regulatory Requirements

- A Solid Waste Ordinance was passed in 2004 on the Rancheria. A copy of the Ordinance begins on page 12, Attachment 'B'.
- Section V.B.9 of the Bear River Band of the Rohnerville Rancheria housing policy states that “the resident shall...[keep the unit] free from trash, clutter, and debris (including abandoned junk cars).”

Regulatory Framework

The United States has a unique legal relationship with Tribal governments based on specific constitution, treaties, statutes, executive orders, and court decisions. Under the American legal system, Indian tribes have sovereign powers separate and independent from the federal and state governments. This means that Tribal governments have the same powers as the federal and state governments to regulate their internal affairs, with a few exceptions. For instance, tribes have the power to form a government, to decide their own membership, the right to regulate property, the right to maintain law and order, the right to regulate commerce, and so on. Because of the unique nature of Tribal sovereignty and specific federal legislation recognition, various governmental agencies are involved in assisting Indian tribes. Agencies assisting tribes with solid waste management needs and concerns are listed below:

United States Environmental Protection Agency (EPA)

The EPA is entrusted with the responsibility to protect human health and the environment. Working on a government-to-government basis with tribes, the EPA gives special considerations to Tribal interests in making Agency policy, and to insure the close involvement of Tribal Governments in making decisions and managing environmental programs affecting reservation lands. In 1984, EPA became the first federal agency to adopt a formal Indian Policy of working with federally recognized tribes on a government-to-government basis. This policy is intended to provide guidance to EPA staff and managers in dealing with Tribal governments and in responding to the problems of environmental management on Indian reservations in order to protect Tribal health and environment. (For further information, go to the website: <http://www.epa.gov/indian/programs.htm>.)

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is the primary federal law governing the disposal of solid and hazardous waste in the United States. RCRA, which amended the Solid Waste Disposal Act of 1965, set national goals for:

- Protecting human health and the environment from the potential hazards of waste disposal.
- Conserving energy and natural resources.
- Reducing the amount of waste generated.
- Ensuring that wastes are managed in an environmentally-sound manner.

To achieve these goals, RCRA established the solid waste program (Subtitle D) and the hazardous waste program (Subtitle C). RCRA Subtitle D encourages states to develop comprehensive plans to manage nonhazardous industrial solid waste and municipal solid waste, sets criteria for municipal solid waste landfills and other solid waste disposal facilities, and prohibits the open dumping of solid waste. RCRA Subtitle C establishes a system for controlling hazardous waste from the time it is generated until its ultimate disposal ("cradle to grave").

RCRA defines Tribes as "Municipalities" and therefore, cannot approve Solid Waste Programs for Tribes (*Backcountry against Dumps v. EPA*). This does not prevent a tribe from using its own sovereignty to develop a solid waste program. Tribes are, at a minimum, responsible for implementing and enforcing the solid waste regulations outlined in 40 CFR Parts 257 and 258, which pertain to municipal solid waste landfills. EPA maintains direct implementation authority on Tribal Lands for RCRA Subtitle C, hazardous wastes regulations.

Management of Wastes in California

Although Tribal Lands are not subject to state regulations, all solid and hazardous wastes generated on the reservation are disposed of in waste facilities in California. Therefore, the Tribe must recognize and abide by California and Humboldt County waste management disposal regulations as wastes leave the Reservation.

2.3 Enforcement

- See 'Article VIII- Enforcement' of the Solid Waste Ordinance in Attachment 'B', page 16.
 - Enforcement of the ordinance is minimal, but recently the tribe has been making efforts to improve enforcement.
- The citizen's suit provision of RCRA Section 7002 enables individuals to sue in order to force the responsible party(s) to comply with RCRA. A citizen filing a suit against an alleged violation on Bear River Band of the Rohnerville Rancheria may be a member(s) of a Tribe or a citizen(s) from a surrounding community. If the court finds that RCRA is being violated, it will identify the responsible party(s) and require clean-up. Liable party(s) may be members of the Tribes, members of the surrounding community, a Tribe, a government agency, or a combination of any of these parties. The court may also assess financial damages.

3.0 CURRENT AND PROPOSED WASTE MANAGEMENT PRACTICES

3.1 Current Waste Management Practices

Currently Tish Non Village residents are required to pay for garbage and recycling services through a fee deduction from their per-cap checks. Recology's recycling service for residences accepts: metal, plastic, paper, and glass.

Recology Eel River picks up residential trash bins weekly and recycling bins every other week. Bear River Drive Residents are not mandated to subscribe to services, most take their trash to Recology Eel River monthly.

Recology Eel River is contracted to collect trash and cardboard recycling weekly for all the governmental buildings; a separate contract exists for casino, hotel, and gas station facilities. Cardboard and garbage are the only services under contract for all governmental and enterprise buildings, except for the ENR and gaming offices which have small mixed recyclable bins (metal, plastic, paper, and glass). The Wastewater Treatment Plant and Water Treatment Plant bring their garbage and recyclables directly to Recology Eel River.

The Environmental and Natural Resources Department accepts Household Hazardous Waste and electronic waste from tribal members and disposes the waste at Recology Eel River and Humboldt Waste Management Authority. The ENR department also issues burn permits; burning is regulated through a tribal ordinance and is only allowed on permitted burn days in the North Coast Unified Air Quality Management District. There is currently no composting program for any facility or residence.

3.1.1 Waste Stream Characterization

The Environmental and Natural Resources Department conducted a waste characterization study on Wednesday, January 17, 2018. A table containing the data is below, analysis follows the table.

<i>Units=lbs</i>	Sample size	Paper	Trash	Cardboard	Plastic	Glass	Metal	Organic material	Sum each Location
Household Recyclables	6 recycle bins	42.75	16.75	20.25	9.75	27.5	1.4		118.4
Household Trash	3 Bags	2	5.75	0.125	2	0.25	0.5	2	12.625
TNCC	5 Bags	15.75	13.5	0.25	1.5		0.25	7	38.25
Rec Center	5 Bags	1	18	0.75	0.75		0.25	3.25	24
Tobacco Traders	3 Bags	1	5	0.25	2.75		0.01	3.5	12.51
Pump and Play	5 Bags	4.75	28.75	1.25	7.5	5	2	0.75	50
Hotel	1 Bag	0.25	9	0.5	0.5	2.75	0.25		13.25
Express Kitchen	1 Bag	0.25	4	1.75	1		0.1	3.75	10.85
	Sum=	67.75	100.75	25.125	25.75	35.5	4.76	20.25	279.885

3.1.1.1 Analysis of Waste Stream Data

Note: Percentages are based in weight, not volume.

Residential

14% of household recyclables were actually garbage. Anecdotal evidence suggests that the rate of garbage contamination in recyclables is actually higher, and that the measured rate was fairly low because the sample was chosen from voluntary members of the community.

39% of Household trash was recyclable, 16% was organic waste and therefore could have been composted, or reduced at the source.

Tish Non Community Center

46% of waste in the dumpster was recyclable while 18% was organic material and thus could have been composted or reduced at the source. The sample for this building did not have any bags from the kitchen in it, it is presumed the organic waste amount would have been much higher if so.

Recreation Center

Only 11% of waste collected could have been diverted to recycling. 14% was food waste from the snack bar and could have been reduced through planning.

Tobacco Traders

32% recyclable, 30% organic waste, mainly compostable coffee grounds. Due to the small sample size and the heavy weight of un-sampled bags in the dumpster, it is assumed the compostable waste is even higher.

Pump and Play

41% recyclable, appeared to primarily be post-consumer waste from outdoor trash cans. Indoor waste is presumed to be primarily packing material such as plastic and boxes, though there was not much indoor waste sampled.

Hotel

32% recyclable, appeared to be trash from a hotel room, with much of the weight being made up of beer bottles.

Express Kitchen

29% recyclable, 35% food waste

Visual Assessments

A visual assessment of the casino trash compactor showed: A significant amount of paper cups and cardboard; of note is that there is a cardboard compactor, but it was in need of compaction at the time of the sample. It is presumed that there is also a large amount of food waste from the two restaurants in the casino.

A visual assessment of the hotel trash compactor showed: large amounts of cardboard (there is no cardboard compactor).

A visual assessment of the Basayo village dumpsters showed a large amount of unbroken down cardboard (there is no mixed or cardboard recycling at these apartments).

3.1.1.2 Limitations of Sampling

Large samples were not taken, and it is unknown how representative the samples are of the full waste stream. Basayo Village housing, the drinking water plant, and the wastewater treatment plant were not sampled. The hotel and casino compact their trash multiple times a day, only one bag from each compactor was within reach at the time of the sample. The visual assessments were also very limited.

3.1.1.3 Excess Waste

During a time period of 52 weeks, spanning from October 20, 2016 to October 12, 2017, Tish Non Village Residents disposed of over 989 extra garbage cans or bags. An extra can or bag is defined as any bag or can over the one can that residents pay a monthly fee to have serviced weekly. Residents are charged an extra fee per each extra bag which is deducted from their per-cap at the same time as their monthly fees. There is no fee for excess recycling waste.

- The average amount of excess bags/cans disposed of by a household a year was 55.
- The median number of excess bags disposed of per household over the year was 26.
- The highest number of excess bags/cans one household disposed of in a year was 82.
- The average amount of excess bags collectively disposed of by residents per week was 19.
- The average amount of households over the excess bag/can limit each week was 14, or 33% of households.
- 35 out of 42 (83%) of households disposed of extra bags/cans over the course of a year, though a few did much less frequently than the majority.

Also of note, there is at least one household that did not have any overages on the analyzed invoices, but it is common knowledge that they stockpile garbage and take it to the dump or occasionally rent a dumpster, it is presumed that potentially a few other households may also use this method.

Basayo Village apartments disposed of 55 extra yards of waste in the same span of a year, with 31 of those yards being concentrated in the mid-November to mid-February span, mostly around Christmas-time.

No administration office buildings had excess disposal fees. Tobacco Traders and Coffee Company had two extra yards the entire year in August/September.

3.1.2 Limitations and Inefficiencies of the Current Program

- Residents' habits of recycling, composting, and trash disposal.
- Lack of mixed recycling dumpsters at the casino, hotel, community center, Tobacco Traders, Pump and Play, and the Rec Center.
- Basayo lacks a recycling dumpster, and tenants must split the cost of overages even if they have not added to the excess garbage amounts (though overages have not been a significant problem in the year of invoices surveyed).
- There are bins for recycling in the community center, which misleads people to believe they are recycling.

3.1.3 Costs of the Current Program

Based on garbage invoices, the cost of current garbage services (trash only) for Tobacco Traders, the community center, and the recreation center is \$18,678 a year which is paid by the Tribe's General Fund. The cost of \$25 per month cardboard recycling per each facility is not included in the above price. The Waste Water Treatment Plant and Drinking Water Plant dispose of recyclables and trash directly to

Recology Eel River and thus no data was able to be collected from either facility. *Section 3.3.2 explains how costs may be cut through diversion.*

Invoices from the Casino and Hotel were not included because identifying the cost provides no context without a solid sample to base potential savings off.

3.2 Proposed Waste Management Practices

3.3.1 Proposed Contract Modifications and Actions

The current use of Recology Eel River's services should stay in place—with residential trash collection occurring once a week and recyclables every other week. The current waste hauling practice of weekly pickups for administrative and enterprise buildings will also stay in place. Suggested immediate modifications of services follow.

Location	Current Capacity	Suggested Modifications	Alternative Modifications	Notes	Responsible Party and Needed Actions
Tish Non Community Center	A fenced enclosure that holds 2 trash dumpsters and 2 cardboard dumpsters.	Mixed recycling dumpsters should be substituted for existing cardboard dumpsters. <i>The cost of mixed is the same as cardboard.</i>	Nearby the enclosure, there is potential to store 64gal bins or build an additional dumpster enclosure where current parking spaces are.	Indoor recycling bins already exist, although the process could be streamlined with simpler bins. One for all mixed recycling, and the other for garbage.	1) ENR Director submits request to procurement 2) Procurement Director and Executive director act on suggested modification
Recreation Center	A small fenced enclosure that houses 1 trash dumpster and 1 cardboard dumpster.	The cardboard dumpster should be replaced by a mixed recycling dumpster. <i>The cost of mixed is the same as cardboard. Other costs would be a one-time purchase of front-end and back of house mixed indoor recycling bins.</i>	There is unfenced space nearby to store 64gal mixed recyclable bins.	Mixed indoor recycling bins would need to be purchased.	1) ENR Director submits request to procurement 2) Procurement Director and Executive director act on suggested modification 3) Tribal Procurement Dept. orders indoor Mixed bins
Tobacco Traders	One cardboard and one trash dumpster within a fenced area.	The cardboard dumpster could be replaced by a mixed recycling dumpster. <i>The cost of mixed is the same as cardboard. Other costs would be a one-time purchase of front-end and back of house mixed indoor recycling bins.</i>	There is room for mixed 64gal recycling bins right by the fence in an unpaved area.	Mixed indoor recycling bins would need to be purchased.	1) ENR Director submits request to procurement 2) Procurement Director and Executive director act on suggested modification 3) Tribal Procurement Dept. orders indoor Mixed bins
Pump & Play	One cardboard and one trash dumpster within a fenced area.	A mixed recycling dumpster could replace the cardboard dumpster. <i>The cost of mixed is the same as cardboard. Other costs would be a one-time purchase of front-end and back of house mixed indoor recycling bins.</i>		Mixed indoor recycling bins would need to be purchased.	1) ENR Director submits suggestion to Casino GM 2) Casino Procurement dept. will contact Recology Eel River and coordinate suggested modification

Location	Current Capacity	Suggested Modifications	Alternative Modifications	Notes	Responsible Party and Needed Action
					3) Casino Procurement Dept. orders indoor Mixed bins
Casino	A small fenced area that contains a cardboard compactor and a garbage compactor.	Add a mixed recycling dumpster. <i>The additional cost is \$25 a week for the dumpster. Other costs would be a one-time purchase of front-end and back of house mixed indoor recycling bins.</i>	Add mixed 64gal recycling bins.	Mixed indoor recycling bins would need to be purchased. <i>Potentially saves money as weight of mixed recyclables is diverted from the garbage compactor.</i>	1) ENR Director submits suggestion to Casino GM 2) Casino Procurement dept. will contact Recology Eel River and coordinate suggested modification 3) Casino Procurement Dept. orders indoor Mixed bins
Hotel	A fenced area that houses a garbage compactor and does not have space for a cardboard compactor or dumpster.	There is limited space to fit in 64gal mixed recycling bins, but it would not be organized, and impact would be minimal unless a large volume of bins were used. <i>The additional cost per each mixed bin is \$7.05 per month. Other costs would be a one-time purchase of front-end and back of house mixed indoor recycling bins.</i>		Mixed indoor recycling bins would need to be purchased. <i>Potentially saves money as weight of mixed recyclables is diverted from the garbage compactor.</i>	1) ENR Director submits suggestion to Casino GM 2) Casino Procurement dept. will contact Recology Eel River and coordinate suggested modification 3) Casino Procurement Dept. orders indoor Mixed bins
ENR Department	4 64gal mixed recycling bins	Discontinue service for 3 of the bins. <i>Saves \$253.80 a year</i>			1) ENR Director submits request to procurement 2) Procurement Director and Executive director act on suggested modification
Basayo Village	Only have garbage dumpsters. Potentially room for mixed bins scattered about the property.	Add 64gal mixed recycling bins <i>Additional cost \$7.05 per month per bin. Estimate for 22 mixed bins yearly cost is \$1861.2</i>		Cost may be recovered or offset by taking away or downsizing some garbage dumpsters.	1) ENR Director submits suggestion to Procurement Director 2) Procurement Director and Executive director act on suggested modification
Future Apartments, Family Entertainment Center, and Health center	Not yet built	Plan to use mixed recycling dumpsters. <i>Other costs would be a one-time purchase of indoor mixed recycling bins for fun center and health center.</i>		Mixed indoor recycling bins would need to be purchased. Cost of mixed dumpsters is the same as cardboard dumpsters but allows more to be diverted from trash.	1) ENR Director submits suggestion to Procurement Director 2) Procurement Director and Executive director act on suggested modification

3.3.2 Proposed Waste Reduction: Source Reduction, Recycling, and Composting

Efforts will be made to improve source reduction, increase recycling, and increase composting. The average potential diversion rate, by weight, for Tobacco Traders, the recreation center, and the community center is about 50%; if significant waste diversion was practiced than costs could be cut by reducing the volume or amount of garbage dumpsters. Maximum savings would not take place until half the tribe's garbage is diverted to recycling or compost. Cutting dumpster volumes by half would not necessarily cut costs by half due to dumpster price tiers, additionally it is unknown what capacity of volume reduction is possible since the frame of potential reduction is a weight-based diversion rate. An immediate switch to 50% diversion is strongly unlikely; a switch to less garbage dumpsters will happen gradually due to the need to gain employee buy-in, restructure habits, and the need to monitor how progress is taking place volume-wise.

Source reduction efforts will be conducted through outreach to the residences and to tribal government staff. The kitchen of the community center likely has significant options to reduce at the source level, and efforts will primarily be focused in that department.

Recycling outreach will occur across all buildings and residences, through the creation of bin signage, social media posts, and flyers.

Compost outreach will be carried out amongst the residences. A compost program for Tish Non Community Center and Tobacco Traders and Coffee Company will be reinstated.

3.3.2.1 Recommended resources for the casino and hotel:

While limited data was collected for the casino and hotel, it is nonetheless unequivocal that recycling, composting, and source reduction could increase savings by decreasing costs of frequent garbage hauling.

The following link contains tools for tracking food waste amongst other food waste reduction tools and tips.

<https://www.epa.gov/sustainable-management-food/tools-preventing-and-diverting-wasted-food#background>

Many casino and hotels that have had success with waste reduction techniques have formed green teams; below is a pdf on how to form a green team.

https://c.ymcdn.com/sites/www.gmicglobal.org/resource/resmgr/docs/gmic_green_team_02.pdf

Hotel, Motel, Resort, and Casino Waste Reduction guidebook:

<http://www.co.thurston.wa.us/solidwaste/business/docs/tips/Hotels.pdf>

3.3.2.2 Implementation of Proposed Source Reduction, Recycling, and Composting Actions

Action	Target	Timeline	Responsible Party	Basis for Action
Source Reduction Outreach	-Residences -Tribal government -Tribal enterprises	-Immediate implementation, continuous action	-ENR Assistant will develop and distribute materials	There are often options for purchasing items in bulk, with less packaging, or for

Action	Target	Timeline	Responsible Party	Basis for Action
				creating less food waste. An average of a third of residences have excess garbage cans each week.
Recycling outreach	-Residences -Tribal government -Tribal enterprises	-Immediate implementation, continuous action	-ENR Assistant will develop and distribute materials	High percentages of garbage were recyclable, as seen in the Waste Stream Characterization section
Compost and Compost Outreach	-Residences -Tish Non Community Center -Tobacco Traders and Coffee Company	-Immediate implementation, continuous action	-ENR Assistant	-Significant percentages of garbage were compostable as seen in the Waste Characterization section.

3.3.3 Measurement of Changes

Improvement of source reduction, recycling, and composting will be assessed at the next waste characterization study in 2023. In addition, the ENR Assistant will observe all the dumpsters and compactors periodically to determine the effectiveness of outreach and the new bins.

4.0 FUNDING AND SUSTAINABILITY/LONG TERM GOALS OF THE SOLID WASTE PROGRAM

Making the suggested changes will save money. Maximum diversion rates, and thus maximum savings, will not immediately occur; it may take a period of time for significant progress to be made in garbage diversion and dumpster reduction.

4.1 Long-Term Goals

- Maximize diversion rates through mass composting and recycling.
 - Large scale composting, incorporating all facilities, would require labor to be delegated to the maintenance portion of the public works department.
- Reach a 60% diversion rate by 2023.
- Find ways to make recycling, source reduction, and composting convenient
- Continuously increase education and outreach



Bear River Band of Rohnerville Rancheria: Existing structures and future development projects

BRBRR 2017

Data Source: BRBRR ENR Department, Humboldt County GIS

Imagery: USDA 2016 NAIP

0 50 100 200 300 400 Meters



- Adjacent fee lands
- Trust land boundary
- Future development projects
- Existing structures
- Wetlands
- Streams

BEAR RIVER BAND of ROHNERVILLE RANCHERIA
27 BEAR RIVER DR. LOLETA, CA 95551 707.733.1900, fax 733.1972



Resolution No: 04-73
Date Approved: May 26, 2004

A RESOLUTION BY THE BEAR RIVER BAND OF ROHNERVILLE RANCHERIA'S TRIBAL COUNCIL ADOPTING OF THE BEAR RIVER BAND OF ROHNERVILLE RANCHERIA SOLID WASTE ORDINANCE.

WHEREAS, the Bear River Band of Rohnerville Rancheria is a federally recognized Indian Tribe eligible for all rights and privileges afforded to recognized Tribes; and,

WHEREAS, the Bear River Band of Rohnerville Rancheria Tribal Council is the governing body of the Bear River Band of Rohnerville Rancheria under the authority of the Constitution of the Bear River Band of Rohnerville Rancheria; and,

WHEREAS, the Bear River Band of Rohnerville Rancheria Tribal Council desires to establish and adopt procedures to address solid waste issues.

NOW THEREFORE BE IT RESOLVED that the Tribal Council supports the adoption of the Bear River Band of Rohnerville Rancheria Solid Waste Ordinance.

BE IT FURTHER RESOLVED that the Chairperson is hereby authorized to sign and Members of the Council to attest all necessary documents to make such requests; and,

BE IT FINALLY RESOLVED the above signatory powers are in full force and effect until specifically revoked by a duly adopted resolution of the Bear River Band of Rohnerville Rancheria Tribal Council.

C*E*R*T*I*F*I*C*A*T*I*O*N*

This is to certify that the Bear River Band of Rohnerville Rancheria Tribal Council adopted the foregoing Resolution on May 26, 2004 by a vote of 4 in FAVOR, 0 OPPOSED, 1 ABSTAINING, and 0 ABSENT.

Attested by: Leonard Bowman
Leonard Bowman, Council Chairman

6-2-04
Date

Aileen Meyer
Aileen Meyer, Council Secretary

6/2/04
Date

BEAR RIVER BAND of ROHNERVILLE RANCHERIA

27 BEAR RIVER DR. LOLETA, CA 95551 707.733.1900, fax 733.1972



Tribal Ordinance: No. 04-02
Date Adopted: May 26, 2004

Solid Waste Ordinance

ARTICLE I - STATEMENT OF FINDINGS

The Bear River Band of Rohnerville Rancheria (the "Tribe") Tribal Council finds and declares as follows:

SECTION 1 The Tribe desires to ensure the health and well being of all people on the reservation as designated in the Tribal Constitution, residents and visitors alike.

SECTION 2 The Tribe recognizes the need to promote standards which will protect the lands of the Reservation.

SECTION 3 It is important to preserve and secure the health, comfort, welfare, and safety of the general public by regulating the uncontrolled disposal of illegal dumping of solid waste within the Reservation.

SECTION 4 All individuals, clubs, associations, businesses, or organizations must comply, abide by, and adhere, to this ordinance. Any questions of noncompliance with said ordinance shall rest with the Tribe.

SECTION 5 The fee schedule, to be determined by the Tribe's Tribal Council, shall be payable to the Tribe for waste disposal, and that any decision of noncompliance shall be grounds to levy fines as defined in this ordinance.

ARTICLE II - DECLARATION OF PURPOSE

Section 1 It is the purpose of the Bear River Band of Rohnerville Rancheria's Solid Waste Ordinance to establish a policy to regulate persons who illegally dispose of solid waste within the Reservation for the general welfare of the Tribal Members and their families residing on the Reservation.

ARTICLE III – DEFINITIONS

Section 2 In constructing the provisions of this Ordinance, the following words or phrases shall have the meaning designated unless a different meaning is expressly provided, or the context clearly indicates otherwise:

- **Approved site** – a site permitted and approved by the Tribe or designee as a site for disposal of solid waste.
- **Designee** – the designated enforcement agency with which the Tribe has a Memorandum of Agreement.
- **Permitted contractor** – a person who has a valid permit from the Tribe or designee to recover and transport solid waste.
- **Person** – any public or private corporation, company, partnership, firm, association or society of persons, or entity, including governmental entities, as well as a natural person.
- **Solid waste** – all putrid and non-recyclable solid and semi-solid wastes, including any garbage, trash, infectious wastes, hazardous wastes, manure, street and parking lot cleaning residues, industrial wastes, and other waste material, but not including domestic sewage.

ARTICLE IV – APPLICABILITY

SECTION 1 The Solid Waste Ordinance shall be applicable to any person generating, producing, or storing solid waste. Any person who has received any solid waste shall be responsible for the proper storage, removal, transport and disposal of solid waste. Solid waste, while being transported, shall be covered, tied or otherwise secured so waste will not be blown or dropped from the transport.

SECTION 2 Where solid waste is generated, produced, stored or received upon a leased premises; both the landlord and the tenant are responsible for compliance with the provisions of this ordinance regardless of the provisions of the tenancy, except that neither party is responsible for actions outside the scope

of their actual or constructive knowledge which were conducted by the other party in violation of this ordinance.

SECTION 3 In addition to other persons who may be responsible as set forth in this section, for the purpose of this ordinance, a person generating solid waste is responsible for the lawful storage, removal, transport and disposal of that solid waste until it is legally deposited at an approved site.

SECTION 4 When solid waste is dumped or deposited in violation of this ordinance and three or more items in the solid waste identify the same person as the owner or recipient of that item, there shall be a rebuttal presumption that the person is responsible for the unlawful dumping of solid waste.

SECTION 5 The owner of the real property on which solid waste is located is responsible for complying with the provisions of this ordinance even if the solid waste was placed on their property without their knowledge or consent.

SECTION 6 Any person who by contract, agreement or otherwise arranges for the recovery, transport, disposal or dumping of solid waste is responsible for complying with the provisions of this ordinance regarding that solid waste.

ARTICLE V – UNLAWFUL STORAGE AND DISPOSAL OF SOLID WASTE

SECTION 1 It is unlawful to store or accumulate solid waste in a manner that is a hazard to the public health and safety, as determined by the Tribe or its authorized designee.

SECTION 2 It is unlawful to collect and transport solid waste unless the person is responsible for that waste pursuant to the provisions of this ordinance or the person is a permitted contractor.

SECTION 3 It is unlawful for a person to dump, deposit or dispose of solid waste any place within the Rancheria other than at an approved site.

SECTION 4 Any person who violates this ordinance shall be subject to a written violation notice by the Chairperson or their authorized designee. The notice will include the violation and an allotted time to rectify said violation.

ARTICLE VI – RECOVERY OF DISPOSAL COSTS

SECTION 1 If a person violates this ordinance and the Rancheria arranges for or executes the lawful disposal of solid waste, that person shall be responsible to

the Rancheria for all reasonable costs and expenses associated with transportation and disposal of solid waste.

SECTION 2 If the Tribe or a property owner files suit to collect their reasonable costs and expenses as provided in subsections 6.1 and 6.2 of this section, the court may award a reasonable amount as attorney's fees to the prevailing party.

ARTICLE VIII – ENFORCEMENT

Section 1 Tribal Council shall make a determination as to whether or not there has been a violation of this Ordinance. Upon a finding that an individual has intentionally violated a provision of this Ordinance, including failure to rectify a determined violation within reasonable time period, or as more particularly prescribed by the Council, the Tribal Council shall, at its option, proceed as follows:

- A. Initiate proceedings in any forum of competent jurisdiction, at law or in equity against any person or persons violating or attempting to violate this ordinance. The remedy sought may be to restrain violation or to recover damages or both, including legal costs incurred.
- B. Initiate direct enforcement action by the Tribal Council when appropriate as follows:
 - 1) If fines are not paid within 30 days of date of notice, the violator will have costs withheld from Revenue Sharing Trust Fund Distributions..
 - 2) Impose a monetary fine not to exceed \$25.00 for the first violation and \$50.00 for violations thereafter. Under the Tribe's Water and Utility Service Ordinance, Appendix A part C, a \$10.00 re-connection fee must also be applied.
- C. Initiate direct enforcement action by appropriate local enforcement agency upon recommendation by the Tribal Council.

ARTICLE X – AMENDMENTS

This Ordinance may be amended by a two-thirds majority vote of the Tribal Council, and ratified by a majority vote of the eligible voters residing within the exterior boundaries of the Reservation.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

CERTIFICATION

This is to certify that the Bear River Band of Rohnerville Rancheria Tribal Council, at which a quorum was present, adopted the foregoing Ordinance on May 26, 2004 by a vote of 3 IN FAVOR, 1 OPPOSED, 1 ABSTAINING, and 0 ABSENT.

Attested by:

Leonard Bowman
Leonard Bowman

Tribal Council Chairperson

6-2-04
Date

Aileen Meyer
Aileen Meyer

Tribal Council Secretary

6/02/04
Date

